

Docket No. F-9177

Ser. No. 10/594,663

REMARKS

Claims 1-10 are pending; and of these, claims 1, 9 and 10 have been amended, and claims 2-3 and 5-8 have been canceled. Reconsideration of the instant application is respectfully requested in view of this Paper.

The Examiner has rejected claims 1, 4 and 9 under Section 102(e) on the basis of Ronnberg, and claim 10 on the basis of the same under Section 103. With respect to Applicant's claim 1, as amended, and claims 4, 9 and 10 which depend therefrom, the Examiner's rejections are respectfully traversed.

As shown hereinabove, Applicant has amended claim 1 to relate that Applicant's top sheet covers Applicant's first and second absorbents within the recited pocket. More particularly, such coverage is related to an outline of the entirety of Applicant's pocket.

The Examiner has equated portions 12, 22, 14 and 20 to Applicant's respectively recited first absorbent, leakage preventing sheet, second absorbent and top sheet.

Further, Applicant's pocket has been equated to Ronnberg's pocket 28.

In Ronnberg and with respect to its Figs. 1-7 as pointed to by the Examiner, its top sheet 20 does not cover its membrane 22, as recited by Applicant. Rather, such membrane makes direct contact with inner cover layer 18. As a result, a diffusion rate of waste such as urine is decreased, leading to a

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build up of urine at the opening of the pocket which also results in a concentration of urine being absorbed by Ronnberg's first absorbent, as well as discharge back of the urine.

On the other hand, as recited by Applicant in claim 1, as amended, Applicant's top sheet provides for a construction for diffusing waste such as urine prior to its coming into contact with the leakage preventing sheet. This is the case, since as recited, the top sheet is provided on the top and bottom sides of the pocket. In this way, such urine is able to be diverted as far back as the extreme back end of the pocket without incurring a loss in diffusion rate, in contrast to Ronnberg. Additionally, with such diversion, Applicant's first absorbent provides for its intended maximized absorbency, while improving wearability of the recited diaper since Applicant's leakage preventing sheet does not make direct contact with a user's skin.

Figures 8-10 of Ronnberg, likewise, are not believed to teach or suggest Applicant's construction, as now recited in Applicant's claims.

In view of the above, Applicant's claims are believed to patentably distinguish over Ronnberg; thus, it is respectfully requested that the Examiner's rejections be withdrawn.

Claims 9-10 have been amended so as to depend from claim 1.

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No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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